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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,292	07/30/2003	Dennis Ray Wilson	18326/04801	9723
50639	7590	10/12/2005	EXAMINER	
HITCHCOCK EVERT LLP			NEUDER, WILLIAM P	
P.O. BOX 131709			ART UNIT	PAPER NUMBER
DALLAS, TX 75313-1709			3672	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/630,292	WILSON, DENNIS RAY	
	<b>Examiner</b>	<b>Art Unit</b>	
	William P. Neuder	3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3,9-13,16,17 and 19-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13,16,17,19,25-29 and 38 is/are allowed.
- 6) ☒ Claim(s) 3,9,10,20,31-34 and 39 is/are rejected.
- 7) ☒ Claim(s) 21-24,30 and 35-37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/11/05, 8/19/05</u>  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 39 states "characterized by a treatment chemical deposited carried by said plunger". This statement is not understood. Clarification is required. This claim is being treated as if this line states --characterized by a treatment chemical deposit carried by said plunger--.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3,9,10,20,31-34 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Streetman (applied in previous office action).

As to claim 3, Streetman discloses a plunger 26 that carries chemicals for downhole treating. Chemical treatment stick 22 is considered deposited on the outside of the plunger. As to claim 39, claim 39 is the same as claim 3 except for not requiring the chemical to be deposited on the outside of the plunger. As to claim 9, plunger 26 is

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considered an elongated body having an interface 59 at its upper end and a chemical dispensing section 52,22 on its lower end. The chemical dispensing section is dimensioned to be capable of passing through a tubing stop. As to claim 20, the chemical stick is received in a receptacle of the plunger and the stick 22 is dimensioned to be capable of passing through a tubing stop. As to claims 31-34, the treatment chemical is in the form of a stick 22.

### ***Allowable Subject Matter***

Claims 21-24,30 and 35-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-13,16,17,19,25-29 and 38 are allowed.

### ***Response to Arguments***

Applicant's arguments filed 8/29/05 have been fully considered but they are not persuasive. Applicant argues that claim 3 should be allowable because the device of Streetman is not a plunger useful for plunger lift production procedures. Applicant argues that his specification requires this procedure to mean that the piston be driven to the surface by the gas pressure. This is not true in that "plunger lift production procedures" does not limit to the definition provided by applicant. Streetman is clearly a plunger lift production procedure in that the well is produced by use of the plunger. Even if Applicant's definition were to be given weight, col. 3, lines 30-33 of Streetman teach that the plunger is only lifted by wireline if the plunger remains in the well. Gas pressure would be the means by which the plunger would be raised to the surface if it

did not stay in the well. As to claim 9, Applicant states that retention element 59 of Streetman is not an interface section. Lacking specific claim limitation as to what an interface section is, retention means 59 is an interface section in that it interfaces with the plunger and the wireline retrieval means. As to claim 20, applicant argues that Streetman does not disclose a plunger that is dimensioned to pass through a tubing stop. First, claim 20 does not positively set forth a tubing stop. Clearly the dimension of the stick 22 is less than the dimensions of the plunger and could pass through any tubing stop having dimensions between the tubing stick and the size of the hole.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Neuder whose telephone number is 571-272-7032. The examiner can normally be reached on Tuesday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
William P Neuder  
Primary Examiner  
Art Unit 3672

W.P.N.